

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

<p>DATABASEUSA.COM, LLC ,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BLAKE VAN GILDER, INFOGROUP, INC., a Corporation, and KOLEY JESSEN, P.C., L.L.O.,</p> <p>Defendants.</p>	<p>Case No. 8:17-CV-386</p> <p>MOTION TO DISMISS PLAINTIFF’S COMPLAINT</p>
--	---

COMES NOW Defendant Infogroup, Inc., by and through its undersigned attorneys, pursuant to Federal Rule of Civil Procedure 12(b)(6), and hereby moves the Court for an Order dismissing with prejudice the claims of Plaintiff asserted in its Complaint against this Defendant, due to Plaintiff’s failure to state a claim upon which relief may be granted.

IN SUPPORT of its Motion, Infogroup represents that it has filed an accompanying Brief in support of this Motion, and further states:

1. In its Complaint, Plaintiff asserts three claims against Defendant Infogroup, Inc.: (1) a claim alleging conversion; (2) a claim alleging a violation of the Nebraska Trade Secrets Act, Neb. Rev. Stat. §87-501, et seq.; and (3) a claim of “aiding and abetting a civil conspiracy.”
2. Plaintiff’s claim for conversion against Defendant Infogroup, Inc. fails to state sufficient facts to establish such a claim, and should be dismissed.

3. Plaintiff's claim for violation of the Nebraska Trade Secrets Act, Neb. Rev. Stat. §87-501, fails to state sufficient facts to establish such a claim, and should be dismissed.
4. Plaintiff's claim for aiding and abetting and civil conspiracy fails to state sufficient facts to establish such a claim, and should be dismissed.

WHEREFORE, Defendant Infogroup, Inc. prays that Plaintiff's Complaint be dismissed, with prejudice, at Plaintiff's own cost and expense as to all claims asserted in the Complaint against Defendant Infogroup, Inc., and for such other and further relief as the Court deems just and equitable.

DATED this 15th day of December, 2017.

INFOGROUP, INC., Defendant

By: s/ Matthew D. Hammes
Matthew D. Hammes, #21484
LOCHER PAVELKA DOSTAL
BRADDY & HAMMES, L.L.C.
200 The Omaha Club
2002 Douglas Street
Omaha, NE 68102
P: (402) 898-7000
F: (402) 898-7130
E: mhammes@lpdbhlaw.com
ATTORNEY FOR INFOGROUP, INC.

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that on the 15th day of December, 2017, he filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all registrants.

s/ Matthew D. Hammes